

Part 3 – Remarks

This Amendment and Response is responsive to the Office Action mailed May 18, 2006. A Petition for a One Month Extension of Time and the fee therefor accompanies this Amendment and Response, thereby extending the time for response to September 18, 2006.

In the May 18 Office Action, a specification was objected to for incorrectly identifying the parent of the present application; claims 1-12 and 19-22 were rejected under 35 USC 103(a) as obvious from Ohle (3,802,158) in view of Diachuk (4,350,504); and claims 13-18 were noted as allowable if rewritten an independent form including all the limitations of the base and intervening claims.

Reconsideration of these objections and rejections is respectfully requested, with respect to the pending claims 1-3, 5, 6 and 8-40.

Specification Amendments

The first paragraph of the specification, noted in Part 2 above, has been amended to correctly identify the parent of the present application. This error is regretted. The Examiner's attention to and discovery of this error is appreciated.

Prior Art Considered in Parent Application

In this division application, it is believed that MPEP 609 requires consideration of the prior art which has been cited in the parent application. The fact that the Examiner correctly identified the parent application seems to indicate that the parent application was located and the prior art in it considered. If this is not the case, it is requested that the prior art in the parent application be considered in accordance with MPEP 609.

Otherwise, please notify the undersigned so that an IDS can be filed.

Claim Amendments

Some of the original claims have been amended to correct typographical errors, to enhance their form and to correct antecedent basis issues, without changing the scope of those original claims. No new matter has been introduced.

The subject matter from original claim 4 has been added into amended independent claims 1 and 22.

Allowable and New Claims

Claims 13-18 have been noted as containing allowable subject matter. Claims 13 and 1 have been combined into new independent claim 23. The subject matter of new claim 23 should therefore be allowable as noted. The subject matter from original dependent claims 14-18 is presented as new dependent claims 24-28. New claims 24-28 should also be allowable as noted. New dependent claims 29-40 correspond to original and amended claims 19-21, 2, 3, 5, 6 and 8-12, respectively. These new dependent claims should be allowable in conjunction with allowable claim 23.

It is believed that claims 13-18 should be patentable in conjunction with amended claim 1. For this reason, it is requested that claims 13-18 be considered with respect to their allowability in connection with amended claim 1.

Obviousness Rejection

Reconsideration of the obviousness rejection of amended claims 1 and 22 is respectfully requested.

Amended claims 1 and 22 now recite, in the manner set forth, that the exhaust flow contains carbon monoxide gas, and that the catalyst operates at room temperature to facilitate converting the carbon monoxide gas into carbon dioxide gas. This feature is not described or suggested by Ohle or Diachuk, singularly or in combination.

The rejection recognizes that the Ohle reference does not disclose a filtering and conversion module which both removes odor and has a catalyst for converting gaseous contaminants in the exhaust flow. The rejection apparently relies on Diachuk for a disclosure of the conversion of the gaseous contaminants. The rejection asserts that it would be obvious to combine Diachuk with Ohle in this regard.

It is respectfully submitted that neither Diachuk nor Ohle describes or suggests a room temperature catalyst which facilitates conversion of poison carbon monoxide gas into benign carbon dioxide gas, in the context of the claimed recirculation system.

The characteristics of Diachuk's medium are described at column 5, lines 20-33. This description indicates that the medium is an oxidizer of activated alumina impregnated with potassium permanganate. The medium, known as an "odoroxidant," creates a chemical oxidation to neutralize odors and contaminants. See Diachuk, column

5, lines 20-33 and column 8, lines 5-20. Diachuk states that this oxidizer material is disclosed in US patent "3,049,339." This citation is incorrect. It is believed that the correct US patent number is 3,049,399. A copy of the '399 patent is attached for the purpose of better understanding the chemical oxidation described in Diachuk.

Both Diachuk and the '399 patent fail to reveal that the alumina potassium permanganate is capable of functioning as a catalyst which facilitates conversion of carbon monoxide gas into carbon dioxide gas at room temperature. Indeed, the '399 patent describes the oxidation as applying only to controlling odors. See '399 patent, column 1, lines 24, 53-55, 66-70; column 2, lines 12, 31-36, 55-68; and the claims which relate to "deodorizing air." It appears, therefore, that this is the reason why the oxidizing medium used in Diachuk is referred to as an "odoroxidant."

Converting toxic carbon monoxide into harmless carbon dioxide at room temperature is a key factor to recirculating the cleaned and harmless gas back into the confined environment. A health hazard would result if poisonous carbon monoxide gas was recirculated back into the confined environment. Diachuk does not teach or suggest a solution to the problem of recirculating poisonous carbon monoxide gas back into the confined environment. Ohle does not teach or suggest recirculation at all. Furthermore, neither reference suggests the use of a room temperature catalyst for facilitating conversion of poisonous carbon monoxide into harmless carbon dioxide for recirculation back into the confined environment. Therefore, it seems improbable that one having ordinary skill in the art would understand from Ohle and Diachuk to use a room temperature catalyst to facilitate the conversion of poisonous carbon monoxide into the harmless carbon dioxide in a gas recirculation system, as recited in amended claims 1 and 22.

For these reasons, and others, it is believed that amended claims 1 and 22 should not be regarded as describing inventions which are obvious from Ohle in view of Diachuk. The dependent claims 2-21 should be patentable in combination with amended claim 1.

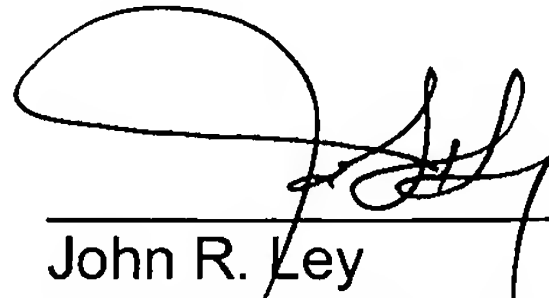
Conclusion

As a result of the amendments, it is believed that all pending claims in this application are in condition for allowance. Allowance is respectfully requested. The Examiner is requested to contact the undersigned by telephone to discuss any issues

which may inhibit the immediate allowance of the application.

Respectfully submitted,

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